

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, MAY 2, 2023, 4:00PM**

DOCKET 1386

2 Sheraton Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, May 2, 2023.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Kristen Holton
Ms. Laura Long
Mr. David Schlafly
Mr. Dan Welsh

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Anne Lamitola, Director of Public Works; and Lori Mullins, Deputy City Clerk.

Chairman Forshaw called the meeting to order at 4:01 P.M.

Approval and Adoption of the Agenda and Minutes

The agenda was adopted unanimously upon motion by Ms. Long and second by Mr. Welsh.

The minutes of the April 11, 2023, meeting were approved unanimously upon motion by Mr. Schlafly and second by Mr. Welsh.

Docket 1386

Petition is submitted by Andrew Schaub of Schaub Project Architecture on behalf of the owners, Two Sheraton Revocable Trust, for the property located at 2 Sheraton Drive. The petitioner is requesting relief from the City Planner denying a new residence due to an encroachment into the required front setback from a roadway easement. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and V-C-1(b)

Mr. Sukanek explained that the applicant is requesting a variance to build a new home in the "B" zoning district with a footprint of 6,128 square feet and encroachment into the 50' required setback requirement from the private access easement to 1 Sheraton Drive. The legally established private road easement is 20 feet wide and 35 feet from the eastern property line. The driveway is just east of the platted easement, about 25 feet from the east property line. The proposed building line is right at the edge of the existing driveway easement, instead of the required 50' away for the driveway easement. The house would encroach 45 feet into the 50-foot setback.

Chairman Forshaw introduced the following exhibits to be entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;

Exhibit B – Public Notice of the Hearing;

Exhibit C – Letter of Denial dated March 24, 2023;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated March 27, 2023;

Exhibit F – Entire file relating to the application

Exhibit G – Anonymous letter of opposition

Ms. Sukanek handed out an unsigned letter of opposition that was received. Ms. Forshaw entered the letter as exhibit G.

James Maritz IV took the oath and addressed the Board. He and his wife purchased the property in 2020 and would like to maximize the side yard green space as a play area for their 3 children to enjoy. The proposed placement of the house would create a more balanced appearance from Sheraton Drive. He believes if denied, there will be a negative impact to his neighbor's privacy buffer. The irregular shape of the property, and the private road (really a driveway serving one house, 1 Sheraton Drive) bisecting the west end of the property decrease the buildable area substantially. The design and home placement have approval of the Architecture Review Board. Mr. Maritz stated that he has met with several neighbors, and the proposal has not been met with opposition except by Trip Greditzer. Mr. Maritz noted that 5 Sheraton Drive has a variance from the 50-foot rear yard setback. He pointed out that Ms. Colleen McMillan, 1 Sheraton, has submitted a letter of approval, and the subdivision trustees initially indicated their approval, but have since stated it was conditioned upon city approval.

Mr. Grant Sharp, contractor, took the oath and stated that the prior building official did not share or was not aware of the road easement and the complications thereof. He stated that the road easement could be moved to the west to allow the house to be put in almost the same place, but this is not a better solution because it would cause the loss of some mature trees that screen the neighbor from the rear yard.

Mr. Trip Greditzer, Sheraton Drive trustee, took the oath and reported that all 3 trustees are opposed to the variance. The flag lot has been there for 60 years, and any purchaser should have been aware of the setbacks. Furthermore, every neighbor he has talked to except the owner of 1 Sheraton is opposed to the plan. He stated his belief that the applicants can find relief without a variance, such as by decreasing the size of the proposed home. The proposed house would be 6,700 square feet, with 4,600 square feet on the first floor. This would be the largest house on the lane, on a lot that is about half the size of the other lots (excluding the pole of the flag). It would be a dangerous precedent. He is open to a proposal to move the road easement, which might require some new plantings to protect the Desloge house on the other side of the road easement.

Mr. George Desloge, owner of the home across the road easement, took the oath and stated that if the driveway is moved, he will want the applicant to replace the lost trees and shrubs.

Mr. James Moog, 7 Sheraton Drive, took the oath and stated that while he defers to the trustees' judgment, he is not personally opposed to the plan. He is neutral. He expressed the hope that the applicant can modify the plans if a variance is denied.

Ms. Liz Maritz took the oath and stated that the unusual lot causes difficulties. Moving the driveway would require removing several mature trees, which would decrease privacy. She said she spoke to Emily Cooper, 4 Sheraton, who had no objection to the Maritz proposal.

Board discussion included the significant encroachment (45 feet into a 50-foot setback), the risk of setting a precedent, and the fact that designing a new house allows for other options that do not require variances.

After discussion, Ms. Long moved approval of the variance, seconded by Ms. Welsh. The vote was as follows:

Chairman Liza Forshaw	“deny”
Ms. Kristen Holton	“deny”
Ms. Laura Long	“deny”
Mr. David Schlafly	“deny”
Mr. Dan Welsh	“deny”

With zero (0) votes in favor and five (5) against, the motion failed, and the decision of the City Planner is upheld.

Adjournment

The meeting was adjourned unanimously upon motion by Mr. Schlafly and second by Mr. Welsh at 6:25 p.m.

DOCKET 1386

DATE OF HEARING

MAY 2, 2023

NAME

Andrew Schaub

DESCRIPTION OF PROPERTY

2 Sheraton Drive

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner denying a new residence due to an encroachment into the required front setback from a roadway easement. This is in violation of Ladue Zoning Ordinance #1175, Section V-B-1 and V-C-1(b).

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board does not find practical difficulties. The decision of the City Planner is upheld.

A handwritten signature in black ink, appearing to read "Liza Forshaw", is written over a horizontal line.

Ms. Liza Forshaw, Chairman